

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

MARCH 14, 2013

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of March 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

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Item No. 1, being:
ROLL CALL

MEMBERS PRESENT

Curtis McCarty
Jim Gasaway
Roberta Pailes
Sandy Bahan
Tom Knotts
Chris Lewis

MEMBERS ABSENT

Andy Sherrer
Cindy Gordon
Dave Boeck

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Jane Hudson, Principal Planner
Janay Greenlee, Planner II
Ken Danner, Subdivision Development
Manager
Roné Tromble, Recording Secretary
Leah Messner, Asst. City Attorney
Larry Knapp, GIS Analyst II
Terry Floyd, Development Coordinator

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Item No. 2, being:

CONSENT DOCKET

Chairman Lewis announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. The Consent Docket consisted of the following items:

Item No. 3, being:

APPROVAL OF THE FEBRUARY 14, 2013 REGULAR SESSION MINUTES

Item No. 4, being:

FP-1213-27 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY TOWN CENTER, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK ADDITION, SECTION XII, A PLANNED UNIT DEVELOPMENT FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF INTERSTATE DRIVE AND CONFERENCE DRIVE.

Item No. 5, being:

FP-1213-28 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY PRECISION BUILDERS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR P.B. ADDITION FOR PROPERTY LOCATED ON THE WEST SIDE OF FLOOD AVENUE APPROXIMATELY 160 FEET NORTH OF HIGHLAND PARKWAY.

Item No. 6, being:

FP-1213-29 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY J&J FAMILY PROPERTIES, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CARRINGTON TRAILS ADDITION, SECTION 1 FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 1,986 FEET NORTH OF FRANKLIN ROAD.

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Chairman Lewis asked if any member of the Commission wished to remove any item from the Consent Docket. There being none, he asked for discussion by the Planning Commission.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Jim Gasaway moved to place approval of Item Nos. 3 through 6 on the Consent Docket and approve by one unanimous vote. Sandy Bahan seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailles, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None
MEMBERS ABSENT	Andy Sherrer, Cindy Gordon, Dave Boeck

Ms. Tromble announced that the motion, to place approval of Item Nos. 3 through 6 on the Consent Docket and approve by one unanimous vote, passed by a vote of 6-0.

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Item No. 3, being:

APPROVAL OF THE FEBRUARY 14, 2013 REGULAR SESSION MINUTES

This item was approved as submitted on the Consent Docket by a vote of 6-0.

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Item No. 4, being:

FP-1213-27 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY TOWN CENTER, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK ADDITION, SECTION XII, A PLANNED UNIT DEVELOPMENT FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF INTERSTATE DRIVE AND CONFERENCE DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Final Plat
3. Staff Report
4. Site Plan
5. Preliminary Plat

The Final Plat for UNIVERSITY NORTH PARK ADDITION, SECTION XII, A Planned Unit Development was approved on the Consent Docket by a vote of 6-0.

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Item No. 5, being:

FP-1213-28 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY PRECISION BUILDERS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR P.B. ADDITION FOR PROPERTY LOCATED ON THE WEST SIDE OF FLOOD AVENUE APPROXIMATELY 160 FEET NORTH OF HIGHLAND PARKWAY.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Final Plat
3. Staff Report
4. Deferral of Street Improvements Memo
5. Final Site Plan
6. Preliminary Plat

The Final Plat for P.B. ADDITION was approved on the Consent Docket by a vote of 6-0.

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Item No. 6, being:

FP-1213-29 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY J&J FAMILY PROPERTIES, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CARRINGTON TRAILS ADDITION, SECTION 1 FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 1,986 FEET NORTH OF FRANKLIN ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Final Plat
3. Staff Report
4. Preliminary Plat

The Final Plat for CARRINGTON TRAILS ADDITION, SECTION 1 was approved on the Consent Docket by a vote of 6-0.

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Item No. 7, being:
FOUNTAIN VIEW NORTH

Item No. 7a, being:
ORDINANCE NO. O-1213-35 – SASSAN MOGHADAM REQUESTS REZONING FROM PUD, PLANNED UNIT DEVELOPMENT, AND A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

and

Item No. 7b, being:
PP-1213-13 – CONSIDERATION OF A REVISED PRELIMINARY PLAT SUBMITTED BY SASSAN MOGHADAM (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW NORTH ADDITION, A PLANNED UNIT DEVELOPMENT GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Memo
3. Applicant's Request for Postponement

Chairman Lewis noted the request by the applicant to postpone these items for one month to the April 11, 2013 Planning Commission meeting.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Curtis McCarty moved to postpone Ordinance No. O-1213-35 and PP-1213-13 for one month. Jim Gasaway seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailes, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None
MEMBERS ABSENT	Andy Sherrer, Cindy Gordon, Dave Boeck

Ms. Tromble announced that the motion, to postpone Ordinance No. O-1213-35 and PP-1213-13 for one month, passed by a vote of 6-0.

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Item No. 8, being:

ORDINANCE NO. O-1213-36 – CHRIS WOMACK, DBA HOT WHEELS OF OKLAHOMA MOTORS, REQUESTS REZONING FROM C-3, INTENSIVE COMMERCIAL DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT, FOR PROPERTY LOCATED AT 420 SOUTH PORTER AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Aerial Photo

PRESENTATION BY STAFF:

1. Jane Hudson – This is an application for rezoning from C-3 to C-2, General Commercial District, at 420 South Porter Avenue. The existing zoning is C-3 and C-2 along the Porter Avenue area. The existing land use consists of commercial and some office use, with the residential down the side streets. The previous use of the site was a gas station. The owner leased this property to Chris Womack, who has the Hot Wheels of Oklahoma car lot. He is already on site. There is a laundromat to the north. Across the street to the east there is a mobile food service unit with some used cars in the lot for sale as well. There is an office use and a tire shop on the east side as well. To the south is where Bill's Used Furniture was located; that building is now vacant. To the west is the residential area along Apache Street. At the time the owner leased this property to this current tenant, he did not realize that the existing zoning did not accommodate the used car lot. He has requested the rezoning. We did not realize that until he asked us to do a zoning verification letter for the State; that's how it came to our attention. Historically, staff has supported rezoning these areas from C-3 down to C-2 along Porter Avenue and we've had a couple over the last few years that have gone through.

I believe you have a copy of the protest letter. The person that wrote the letter did not put an address on the letter. We went through our files and we believe that this parcel is the one that is attached to that ownership. If that is the case, it has a protest of 8.7%. I'd be happy to answer any questions that you might have. The applicant is here now and he can answer any questions that you might have of him as well.

2. Mr. Knotts – Can you address this protest – the facts that were brought up in this? Ms. Hudson – I went back and I pulled the file from that rezoning. I believe it was 1989. In 1984 the Central Core Plan was fairly new and, at that time, one of the goals was to eliminate a lot of the access points along Porter Avenue. It's not an ordinance; it was a policy recommendation. In the staff report, it appeared from what I read, that the applicants were okay with eliminating those access points along Porter Avenue. They had an access off of the alley and they also have an access off Symmes. But in 2005, when the property adjacent to this one across Porter rezoned from C-3 down to C-2 for the tire shop, they were not requested to do that. Other than that, I really can't address much more.

3. Chairman Lewis – So, Jane, let me clarify that. In regards to the property that is being referenced in our protest letter, that was just a recommendation, not a mandate? Ms. Hudson – It was a recommendation. Correct. In the staff report, it just said that they had submitted ready to close those access points, so I don't know if they had come in and discussed it with staff and staff expressed the goal of the policy to eliminate those access points. Chairman Lewis – So help me clarify this. Then, if it's just a recommendation, then that property owner would have the right to open up their access back to Porter Avenue if they so choose. Ms. Connors – No. That probably wouldn't occur, Mr. Chairman. But another distinction between that property and this is that they did do new construction on that property, and there is no new construction on this property. He is leasing the property as is. Ms. Hudson – They just went in and painted. With the property that had the protest on it, they built an awning and put up a barrier around the parking lot area, and some other things; I don't have the building permit to outline everything. Ms. Connors – I would just say it certainly is, long term, a desire by the City to close some of the

access points on Porter, and that was certainly clear in the Porter Corridor plan also, but, again, we don't have any ordinance requirement and part of the reason we're doing the Comprehensive Transportation Study is because there was no consensus about how to deal with Porter. So after that plan is done, we may have a better idea of how we're going to proceed to improve Porter Corridor – the actual transportation part of it.

4. Ms. Hudson – Also, if I could just make one more point. The applicant's garage doors face Porter, so for the cars to come in and access those area, they would have to come in off of Porter. The same thing with the one across the street; the garage doors face Porter. The one on the north, their access points are from Symmes and the alley.

PRESENTATION BY THE APPLICANT:

Chris Womack, the applicant, was present but did not make any comments.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Roberta Pailes moved to recommend adoption of Ordinance No. O-1213-36 to the City Council. Sandy Bahan seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailes, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None
MEMBERS ABSENT	Andy Sherrer, Cindy Gordon, Dave Boeck

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-36 to City Council, passed by a vote of 6-0.

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Item No. 9, being:

ORDINANCE NO. O-1213-32 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE I, SECTION 19-104; ARTICLE II, SECTIONS 19-201, 19-202 AND 19-204; ARTICLE III, SECTIONS 19-301, 19-302, 19-307 TO 19-319; AND ARTICLE VI, SECTION 19-602 AND 19-606; AND ADDING ARTICLE III, SECTION 19-320 TO EXTEND THE VALIDITY PERIOD OF PRELIMINARY PLATS AND TO ESTABLISH FEES THEREFORE; TO REMOVE THE REQUIREMENT FOR PLANNING COMMISSION APPROVAL OF FINAL PLATS; TO AMEND THE DEVELOPMENT APPLICATION PROCESS; AND TO REMOVE THE REQUIREMENT FOR PRE-DEVELOPMENT MEETING FOR PROPERTIES SUBDIVIDED BY CERTIFICATE OF SURVEY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Annotated Ordinance Section

PRESENTATION BY STAFF:

1. Terry Floyd – This ordinance amendment was before you last month regarding a myriad of changes. It's back before you again this month because Section 19-302 of Article III needed to be amended to make it consistent with the Zoning changes to allow preliminary plats, specifically in this case, to have Pre-Development in the same application cycle. So this little section cleans up that and makes it consist with Ordinance No. O-1213-31.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Jim Gasaway moved to recommend adoption of Ordinance No. O-1213-32 to the City Council. Curtis McCarty seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailles, Sandy
	Bahan, Tom Knotts, Chris Lewis
NAYES	None
MEMBERS ABSENT	Andy Sherrer, Cindy Gordon, Dave Boeck

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-32 to City Council, passed by a vote of 6-0.

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Item No. 10, being:

ORDINANCE NO. O-1213-38 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 431.6, COMMERCIAL OUTDOOR LIGHTING STANDARDS OF CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN; AMENDING SECTION 450(51) TO AMEND THE DEFINITION OF GLARE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Annotated Ordinance

PRESENTATION BY STAFF:

1. Susan Connors – This is a request to amend the existing Commercial Outdoor Lighting Standards that were adopted in June of 2011. In December of last year the City Council Oversight Committee took up this discussion once again and looked at various options to amend the Commercial Outdoor Lighting Standards in the Zoning Ordinance. They discussed several draft ordinances through several committee meetings. The topics that were discussed included the photometric plan that is currently required, raising the lumen cap that exists in the current ordinance, spillover on right-of-way and points of entrance at commercial developments, the glare issue that had been discussed at length in the previous ordinance, and commercial-on-commercial properties and how lighting should affect those, and then we also discussed the OG&E payment plan that has been a concern because OG&E currently cannot provide lighting for commercial buildings in accordance with the standards. The primary changes from the standards currently in the Zoning Ordinance and the ordinance before you this evening is that the compliance tables have been removed and replaced with language that specifies corrective actions, so we took two pages of tables and we've really been able to reduce that down to about a paragraph of text that really handles the issues the same way – gives corrective action and ways to come into compliance. Section 5 has been modified to take out all the references to total light output and lumen limitations and specifically section 5(f) is deleted in this ordinance. The maximum light level restriction of 2 footcandles is only required at any point on an abutting residential property line, so where commercial abuts residential that is still a requirement to have .2 footcandles. The language regarding pole heights remains the same, except when a business is expanding and the new light poles installed can be the same height as those existing. The photometric plan is no longer required, but may be submitted and, if it is submitted, it is a legal presumption that the property is in compliance with the ordinance. Those are the primary changes that we have. I'd be happy to answer any questions.

2. Mr. McCarty – If this was approved tonight, what would happen with all the current projects that are permitted under the old ordinance? Would they now become compliant with this? Ms. Connors – They are certainly compliant with this. Those that were permitted should stay the same; there's no reason for them to rip out things. If there are any amendments that they choose to make to those existing, they would fall under the new ordinance.

3. Ms. Pailes – Could you explain a little further about OG&E – the difficulty? Ms. Connors – Before you could lease poles and lights from OG&E and there was a payment plan that they were able to give you that allowed you to pay from the time you installed them and it was a payment plan as opposed to paying up front for the poles and the fixtures. But OG&E was unable to meet the standards of this. They do have one 30-foot pole and a cut-off fixture that they can install, but it hasn't been requested very often, so it's a possibility for them to meet the standards of this ordinance but, for whatever reason, they couldn't meet it with the same types of light fixtures that many people had already installed in Norman. I don't think it's any longer a major issue. They can meet the 30-foot pole with a full cut-off fixture if people choose to do it, but there is a cost that is different than the way they priced things out previously.

COMMENTS FROM THE AUDIENCE:

1. Harold Heiple, 218 E. Eufaula, representing the Norman Developers Council – This is in the same category as the two comprehensive ordinances that came to you last month with the statement that they've really been vetted by a majority of the City Council already – that being the Pre-Development meeting ordinance change and the preliminary plat extension change. This one has been down the same path, even more so, I think, in terms of vetting and compromise and work in an effort to reach a true and acceptable compromise. I might tell you that, through all of this, these committee meetings were attended by a majority of City Council members. This ordinance was already approved on first reading by the Council two nights ago, and so it had to come back to you as a matter of requirement under the law. But I do want to say that throughout all the negotiations up until the end there were really two competing ordinances lying on the table. One of them got rid of the lumens cap and got rid of full cut-off fixtures. The other one retained the lumens cap and retained the full cut-off fixtures. And wanting to avoid not only litigation, but the fact that there had been actual proof that projects built in compliance with the current lumens cap and using the maximum available to that particular project did not sufficiently light the driveways for a new business to the extent that two Council members acknowledged that they had run into the curb because it was so dark when they went out to look at the property. And what has come out is a compromise that it does away with the lumens cap which was the critical thing as far as the business community, and has been ever since this ordinance was adopted. But also the retention of the full cut-off fixtures is in this ordinance. We would ask you to pass it on to the City Council with your recommendation for approval. Thank you.

2. Larry Steele, 730 Hoover Street – Those of you that were on the Planning Commission, we went through a whole bunch of changes with this lighting ordinance over a period of about a year and a half, and so the one that we presently have had been really vetted and taken to the Council and it was approved. I'll just give you my opinion. All of this stuff that's coming down is because there is a gentleman who opened a business who misplaced his lighting that he had a chance to do. He put too much light in one place and not enough in another and now he's blaming the ordinance for that, because the ordinance claimed that you could put so many lumens per square foot across your property, you can place those lumens wherever you want to, and he placed a great amount of the lumens that he was available in one area and then the other areas are a little bit dark. Now he wants that changed. In my mind, if you have a choice and you make that choice and you do it incorrectly, you can try to go back and fix it by addressing something. The other one was about a person who wanted to expand their parking lot and was going to have to submit a photometric plan and be under the ordinance, because the pole previously that he installed did not fall under the ordinance. There is a group of us that are concerned about the commercial and residential over-lighting in Norman and we have a list of about 25 recently built commercial projects that have done their commercial projects and not complained about the lighting ordinance at all. So we have about 25 people who have come into Norman and done their projects under the present lighting ordinance and have not complained at all and we have 2 that have complained. So we're addressing those 2 basically. There are some good things that came from this. We are totally willing to compromise on the commercial-on-commercial over-lighting. If somebody wants to over-light a little bit onto the next commercial property from their commercial property, I don't see that as a problem; I thought that was kind of silly to start with. And to have the commercial lighting light a sidewalk and a street seemed a little silly to me, also, and that has been taken out in this compromise so there's no problems with commercial lighting going out into the street or lighting the sidewalk. We're totally willing to compromise on those two issues. The City Council asked for definitions for glare and light trespass and I have a definition from an ophthalmologist and I have a definition of light trespass also. I think that if we keep the pole heights at 30 feet that it's exponentially more spread of light than if you keep them at 20 feet. Even if you use a full cut-off fixture, you move it up 10 feet and that bulb, even in your full cut-off, is going to be available to be seen in so many different areas. It's kind of like a pizza; a large pizza is not twice as big as a small pizza;

it's like four times the size, because as it grows exponentially around then it's larger. So I would like to see the Commissioners recommend that the pole height be kept at a 20-foot level. I would be happy to share with you if you want the light trespass and glare definitions, but I'll wait and see if you have a question on that later. The lumens limit which was placed, if it's too low, let's raise it, but let's not make it no limit at all. Then that becomes a dangerous precedent as far as creating light that reflects if someone decides to put too many lumens in their location – if 4 lumens per square foot is too light, let's raise it to 6 – let's raise it to 8 – let's not remove all of the lumens limit and allow someone to get excessive because of either bad planning or bad judgment. I hope that the Commission would consider that. The big problem that was brought up that I told you before was the photometric plan and when we had the meeting with the City Council I brought in this page, front and back, with free software for photometric plans. People were complaining about the cost of the photometric plans. Free software is available. Photometric plans are included in an architect's drawing, just like plumbing plans and electrical plans are, so new construction wouldn't have a problem with photometric plans anyway. And if people want to add on a certain amount – maybe the City could purchase a photometric plan or get some free software and people could come and use it. Photometric plans protect the City of Norman because, if someone is injured in a parking lot or a business area that did not have a photometric plan and it's found that there were dark spots or too much glare and the City of Norman has approved this, then I see some liability there, possibly. With photometric plan software being free on the internet, I see no reason not to continue requiring a photometric plan. If someone wants to add onto a present structure or parking lot, maybe there should be a vehicle for them to come in and appeal not to do the photometric plan or to let them borrow the City's photometric plan. That's all I have. If you have any questions, I'll be happy to answer them.

3. Harold Heiple – I know I've spoken, but Mr. Steele is certainly entitled to his opinions; he's not entitled to his own facts and there are a couple of things he's made grave misrepresentations about. One was the business owner who he said elected to put more light in one location and not enough on his driveways. That's absolutely not the situation. The other is in the number of complaints, that there have only been 2 – the number of businesses and people that have complained and been affected adversely by that lumens cap is quite large. Finally, in terms of – well, those two – I just want to make those points on as far as the facts are concerned.

4. Trey Bates, 3720 Timberridge – I am also Chairman of the Chamber of Commerce this year and the issue of lighting and the ability for businesses to compete and operate in our community has been a big one that we've addressed throughout the year. So other than the representation that was made of maybe one or two businesses, the details of which I'm not familiar, I can tell you unequivocally that the Chamber of Commerce has been extremely concerned about how businesses can compete, can properly light their operations, and adequately serve their customers. The Chamber has been instrumental in working through this compromise. I will tell you that one thing that no one has lost sight of is the need to make sure that we address the issue of light spill-over onto residential areas. So, as was previously noted, those limitations still exist and nothing in this ordinance is intended to create a situation whereby residences are somehow adversely impacted by development – either future residential, commercial, or multi-family development. Just to clarify, again, the Chamber of Commerce, and the businesses that it represents, strongly encourages support of this resolution.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Knotts – Can you address the number of complaints? Ms. Connors – Well, we actually have had only specifically 2 businesses that, beyond questioning when they first came in for permits, actually were concerned about meeting the standards or wanting to meet the standards of the ordinance. We didn't get any formal complaints outside the two that were mentioned.

2. Mr. Knotts – I think we were told by one of the speakers that this has already been approved by the Council? Ms. Connors – At the committee meeting where this was discussed and sent forward for action, there were a majority of the Council members at that meeting. It has not been approved by Council at a public hearing.

3. Ms. Pailles – These are just general comments. We spent a lot of time on this and it was heavily compromised. It was not, in any sense, an extreme ordinance. If anything, it's got major lacks, the biggest one being a complete lack of consideration for apartment dwellers, who have no limits on the spillover that can affect their apartments. It seems to me that the lumen limit is central to the ordinance, I would say. There are issues above just residential spillover, although those were not really addressed in the ordinance. I would say the lumen cap is the center part of the ordinance, and so I can't see just disregarding this on the basis of two documented complaints. I don't think the case for eliminating that has really been made, and I think a strong case would need to be made should you want to eliminate that. Mr. Steele suggested some areas were good and some were bad. I don't think we have the ability to discuss or determine that here; all we can do is say "yay" or "nay" basically. I had the same sensation that some of these were fine; some of them I just couldn't see going along with.

4. Mr. Gasaway – I think one thing that has happened, we've had some time to take a look at this and see how it has affected businesses and property owners as well as customers and the City of Norman, and I think we've gotten some good comments and feedback. Whether we agree with all of the changes or not, I think it has been a relatively good compromise. I'll be supporting this. I do want to say that I'm really glad to see the cut-off fixtures are still intact in this, because I think it's probably the single most important part of this entire ordinance that I think has impacted some of the changes more than anything else. So I'm really glad to see that's there. I would like to propose a challenge to the business owners and the Council members that will vote on this, and all the citizens of Norman who patronize these businesses, is to drive by 2 banks, 2 car dealerships, and 2 gas stations that fit the old ordinance and 2 that fit the new ordinance, and make your decision which of those is more appealing. I think it will show you the good that this ordinance, both in the past and hopefully will continue with some of these changes, have done. You can drive by a car dealership where the lights emphasize the vehicles, rather than flooding generally the entire parking lot. You can drive by a gas station at night – and Mr. Heiple mentioned the one where the driveway is not light enough, and I think that is a good example of where some changes did need to be made. But I think if you look at that gas station and the business that is there, the emphasis is on the gas pumps. The light shines for the safety of the citizens that are there at night. They shine on the business. You can see those very well without having to squint to see what the brand name is or what the sale prices are in the window. They are very well illuminated under the ordinance. The same is true for the banks. I know when we talked about this ordinance initially, the banks were very concerned about their security – that it would limit the security. I think if you'll drive by the banks that have been built that meet this ordinance, you'll see that, in essence, they're brighter through this ordinance than they were with the general glaring lights that flashed out. So I think it has done some good. I think it will continue to do some good. While compromise certainly doesn't ever meet everybody's issues, I think it probably comes as close as it can. I think after we've had several months, we've had the chance to see what good it has done.

5. Mr. McCarty – As any new ordinance, you never know for sure how it will affect changes. The lighting ordinance, when it went into effect, we weren't sure how and what this would do to us and we've had an opportunity in the last year to see that and there has been some issues with it. So I believe this compromise and the adjustments to this ordinance make a lot of sense and, therefore, with that said, I'd make a motion to approve.

6. Mr. Lewis – I think this, as I mentioned last month, this is another shining example of a collaborative effort between the many entities that make up the City of Norman to reach a

solution that everyone is agreeable to. As Chairman of this Commission, I applaud that effort. I think we had, as Commissioner McCarty said, an ordinance that we didn't know how was going to affect the City and the citizens that have to look at, as Mr. Knotts was concerned and I was concerned with, the glare. I think this ordinance has definitely addressed the glare. However, we've seen a problem or a challenge that we need more light in some areas, so certainly this is a great collaborative effort by all entities involved, so I certainly applaud that.

Curtis McCarty moved to recommend adoption of Ordinance No. O-1213-38 to the City Council. Jim Gasaway seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Curtis McCarty, Jim Gasaway, Chris Lewis
NAYES	Roberta Pailles, Sandy Bahan, Tom Knotts
MEMBERS ABSENT	Andy Sherrer, Cindy Gordon, Dave Boeck

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-38 to City Council, failed by a vote of 3-3.

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Item No.11, being:

ORDINANCE NO. O-1213-39 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA REPEALING AND REPLACING APPENDIX F OF CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Annotated Ordinance

PRESENTATION BY STAFF:

1. Janay Greenlee – This item appears due to the adoption of Resolution No. R-1213-99. City Council approved that on February 26, 2013. Number 11 of this resolution states: "That City Staff is directed to draft an amendment to Chapter 22 of the Code of Ordinances that updates the list of approved plants" – which is Appendix F – "for new commercial developments within the City of Norman in accordance with this Resolution." Appendix F of Chapter 22 was revised to satisfy this resolution. The amended plant list contains plants that are drought tolerant or Oklahoma proven, and recommending species that are drought tolerant require less water, thus creating more of a sustainable urban landscape. You do have the revised Appendix F in your packet.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. McCarty – I'm not a tree expert, but I see a Populus Cottonwood. Is that a seedless cottonwood? Ms. Greenlee – I believe that would be on the not recommended list in Section A. Mr. McCarty – You're right. I was looking in the wrong section.

2. Mr. Knotts – Did you come up with this, or did it come from a list? Ms. Greenlee – Actually, Oklahoma proven species are adopted by the Oklahoma State Department of Forestry and OSU, so it's a compilation of trees and shrubs that have proven to be drought tolerant and sustainable. It came from their list. You can compare the two lists. Many of the shrubs and trees that were in the original Appendix F also are in the revised, because there were some that definitely fit our climate perfectly. There were some additions to help broaden our plant pallet. Mr. Knotts – And this is a recommendation only. Right? Ms. Greenlee – Correct. Any plant species that's brought before us in landscape review for commercial development, as long as they meet criteria that they are adaptable and suitable for Oklahoma climate, we're more than happy to add them.

3. Ms. Pailes – So more than what is here could be appropriate? Ms. Greenlee – That is correct. Ms. Pailes – You can't help but wonder where the Cross-Timber species – since we're in the Cross-Timbers – like Black Jack and hackberry – and some of those wouldn't be appropriate because they drop stuff. Ms. Greenlee – All of the native oak species would be acceptable.

Jim Gasaway moved to recommend adoption of Ordinance No. O-1213-39 to the City Council. Roberta Pailes seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailes, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None
MEMBERS ABSENT	Andy Sherrer, Cindy Gordon, Dave Boeck

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-39 to City Council, passed by a vote of 6-0.

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Item No.12, being:

SFP-1213-2 – CONSIDERATION OF A SHORT FORM PLAT SUBMITTED BY SBJ2012, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR LOT 3, BLOCK 1, RIVER OAKS ADDITION, SECTION 5 GENERALLY LOCATED AT THE NORTHWEST CORNER OF WEST MAIN STREET AND 36TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Short Form Plat
3. Staff Report
4. Site Plan
5. East Ingress/Egress Easement
6. Trash Access Easement
7. West Ingress/Egress Easement

PRESENTATION BY THE APPLICANT:

1. Tom McCaleb, engineer for the applicant – This is the northwest corner of 36th Avenue N.W. and Main Street. This is a piece of property that has been platted for 34 years and is presently where Arvest Bank is located. The area of the Short Form Plat is shown in black. The existing bank is red, the area of the Short Form Plat is the cross-hatch, and the area to the west of it is a piece of land that is owned by a different owner. The tract to the north is a shopping center where Wright's IGA and all that stuff is. This is a simple complex piece of property. That is correct; I did say that. This application is very simple, but the property has been, as I said, 34 years and nothing has happened. We were given a strenuous deadline to make something happen and we were running out of time. But, basically, the site is this. The bank is here. This piece of land here is nothing but grass, and this piece of land over here is the access from Main Street that goes in and gets you up to Wright's IGA and the rest of the facility in that area. This piece of land has been looked at in the past several years by several people wanting to put something there. In each case, the issue came down to a few things, primarily access. The other is it wasn't platted; it's one lot. Arvest Bank now has agreed to sell the land. But to get the land so the bank operates as it normally does and so they can operate without messing up the bank's traffic, we've had to go through a series of lawyers and consultation to make sure everything was kosher. It started with traffic, and we've met with City Traffic to work out how can we make this thing function. So the functionality of the site is no new curb cuts, use what you've got – and that's what we're doing. This is the existing curb cut right there and the dashed lines that you see represented here is an access easement that we're securing from Arvest Bank. In addition that, we've agreed to put the Arvest trash dumpster on our property so we only have one dumpster to operate both facilities; that is this dashed line that goes up like so. So we have a trash easement that we've incorporated on this document. And then we have a stipulation of how to get the cars from this driveway and out of this driveway, so we're having to work with a different property owner to get that done. But that property owner has agreed that we can have access through his property with a later document that you don't have tonight because we can't do it tonight. That will be done with a lot line adjustment subsequently after we get this platted. So we've worked out the issues so the bank now is satisfied. We have the lawyers of the bank satisfied. We have the applicants satisfied. We have the applicant's lawyers satisfied. And we've got the future guy satisfied. Unfortunately, it has taken a long time to do this and we were running out of time and smarts. We were ready to go forward and we determined not long ago that we had a procedural error that occurred and that, as simple as this project is, as I said, it's a little bit convoluted. The procedural error was made – not the fault of any staff – City employee – made by others, probably me. So getting that done, we've had to ask for help because we were out of time. Our deadline is April 1 and we could not make it happen without help. So we asked for help, and we asked for the City Manager, the Development Coordinator, the Director of Public Works, and Council members to help us out. That happened this week. The results of that meeting were stimulating. It was different. At the discovery of the problem, the applicant requested this help and we got assistance from those folks and the results gave us a direct solution to this problem and we didn't need to pass go to

collect \$200. It was a straight, direct solution to get there and get it done after the problem had been determined it was a killer. And that's what you've got before you tonight, is the solution that we have given to staff. They reviewed it. And if you read your staff report, they recommend approval. Did I forget the sewer line? We've got to get a sewer line to take care of the bank and we have put a bond and a cash surety to make sure that sewer line gets built and you have all that. This is not the Twilight Zone; this really happened this week. This personnel that we talked through found this direct solution, steered us in this direction, and I'm astounded. It works. Staff is okay. Everybody is okay with the procedures. We've got some people who can think out of the box and bring it tonight and ask for your approval. We had 96% chance this baby was dead – maybe 100 – but 96 is a better number. It's now alive, and with your approval tonight we can record this document tomorrow and make our deadline. So I'd like to compliment all those who helped us figure it out. A problem was discovered and we got it fixed. So with that, I'd be glad to respond to any of your questions. We ask for your approval.

2. Mr. Gasaway – I'm sure there's a legal number of parking places that it meets the size of the building, but somewhere in the neighborhood of 21-25 – is that enough to service that size restaurant? Mr. McCaleb – It is. That was pre-determined a long time ago. And, in doing so, when we go to the next level, we're going to make some modifications over here with this development. To answer your question, Mr. Gasaway, yes, it works.

3. Ms. Pailes – That's the world's worst stretch of street. I mean, it's confusing and there's closely spaced traffic lights, etc. Is the traffic engineer happy with this? Mr. McCaleb – That's where we started. There have been three businesses trying to get this site and the answer was no, no, and guess the third answer. And then they said no more curb cuts, and so his solution was exactly what you're seeing. So we had to talk to those folks because it has taken a while. But now everyone has concurred.

4. Mr. Lewis – Mr. McCaleb, I think this is another great example when everyone comes to the table and puts their thinking cap on and thinks outside the box. 96% chance of something failing and someone is thinking how can we make it happen in a city that historically has not been business friendly in putting many roadblocks in between a business opening up and from the starting point. So thank you for sharing that. I certainly, as you do, appreciate everyone – City staff, engineers, yourself – making a project that had sure failure associated with it to something that's going to be very successful in the City of Norman. So thank you.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Curtis McCarty moved to approve SFP-1213-2, the Short Form Plat for Lot 3, Block 1, RIVER OAKS ADDITION, SECTION 5. Roberta Pailes seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailes, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None
MEMBERS ABSENT	Andy Sherrer, Cindy Gordon, Dave Boeck

Ms. Tromble announced that the motion, to approve SFP-1213-2, the Short Form Plat for Lot 3, Block 1, RIVER OAKS ADDITION, SECTION 5, passed by a vote of 6-0.

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Item No. 13, being:

MISCELLANEOUS DISCUSSION

None

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Item No. 14, being:

ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 7:25 p.m.



Norman Planning Commission